

**Minutes of the  
Bountiful City Council Meeting  
City Council Chambers  
February 10, 2009 - 7:00 p.m.**

Present:	Mayor Pro Tempore:	R. Fred Moss
	Council Members:	Beth Holbrook, John Marc Knight, Scott Myers and Thomas Tolman
	City Manager:	Tom Hardy
	City Attorney:	Russell Mahan
	City Engineer:	Paul Rowland
	Deputy City Recorder:	Ralph Hill
	Planning Director:	Aric Jensen
	Department Reps:	Todd Christensen, Engineering Tom Ross, Police
	Recording Secretary:	Nancy Lawrence

Excused:	Mayor:	Joe L. Johnson
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Official Notice of this meeting had been given by posting a written notice of same and an Agenda at the City Hall and providing copies to the following newspapers of general circulation: Davis County Clipper, Deseret News, and Salt Lake Tribune.

Mayor Pro-tem Moss called the meeting to order at 7:00 p.m, following which Tim Seljaas (visiting Boy Scout) led the pledge of allegiance to the flag. Councilman Tolman offered the prayer/thought.

**APPROVAL OF MINUTES**

Minutes of the City Council meeting held January 13, 2009 were presented and unanimously approved as written on a motion made by Councilman Knight and seconded by Councilwoman Holbrook. Councilpersons Holbrook, Knight, Myers and Tolman voted “aye”.

**EXPENDITURES AND EXPENSES APPROVED**

Mayor Pro-tem Moss presented the Report of Expenditures and Expenses Greater than \$1,000 for the following periods, with respective totals: January 15-21, 2009 (\$562,466.32) and January 22-28, 2009 (\$1,172,844.92). Following a short discussion, Councilman Tolman motioned to accept the expenditure reports as presented. Councilman Myers seconded the motion and voting was unanimous with Councilpersons Holbrook, Knight, Myers and Tolman voting “aye”.

**YOUTH COUNCIL REPORT**

Councilman Knight introduced Rachel Boman (Youth Mayor) who reported on Youth Council activities and upcoming events. Ms. Boman shared details of the Day with the Legislature which was enjoyed by all and considered very successful. She noted that the Youth Mayor and City Manager met with the Exchange Club and explained the purpose of their

organization and the activities that they promote and participate in. Upcoming activities include the Leadership Conference at Utah State University in March, the Bunny Hop and a free swim activity at the Recreation Center. She also reported that applications for next year's Youth Council are available on line.

**EXTENSION OF CONTRACT WITH ERM-ROCKY MOUNTAIN  
FOR GROUNDWATER MONITORING APPROVED**

Mr. Christensen reported that ground water monitoring is one of the requirements to operate the Bountiful Sanitary Landfill. For the past several years the City has hired ERM Rocky Mountain, Inc. to take the samples, have them tested and then report the analysis on the data. This company has done a very good job. Because of the required statistical analysis of groundwater data, any variation in procedures can cause perceived changes in the groundwater quality. Therefore, it is desirable to maintain as much consistency as possible. Inasmuch as ERM has performed their duties very well and consistency is desirable, it is the staff recommendation to approve an extension of their contract, bid at a \$100 (0.6%) decrease from last year. Assuming that the monitoring program required by the State remains the same, it is expected that the cost for these services will be approximately \$17,500 this year.

The Council discussed this item briefly. Mr. Christensen noted that the City will request that the State allow us to decrease some of the constituents which have been included in past year's testing because they have been so consistent. Councilman Myers made a motion to extend the contract with ERM Rocky Mountain, Inc. as presented. Councilwoman Holbrook seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Myers and Tolman voted "aye".

**AMENDED FINAL SITE PLAN APPROVED FOR  
SILVER CREEK COMMERCIAL CENTER - 500 N 500 W**

Mr. Jensen presented the amended final site plan for Silver Creek Commercial Center (500 North 500 West). He noted that this project was originally approved four months ago and the subdivision plat was granted final approval by the City Council on January 27, 2009. Three changes of any significance have been made since that time:

(1) The Parts Plus store is gone and has been replaced by additional parking for the State Liquor Store.

(2) The generic building footprint on Lot 5 has been replaced with a fast food building and drive-through.

(3) The storm drain system has been redesigned to take the water in the underground detention basin and funnel it south through the Common Cents storm drain system into the UDOT storm drain pipe in 400 North.

The Planning Commission and staff have reviewed this request and it comes to the Council with a favorable recommendation, subject to the following conditions:

1. The 8-inch fire line be looped between 500 West and 400 North within the easement shown on the plat.
2. The applicant provide a complete landscape plan stamped by a licensed Utah Landscape Architect prior to April 1, 2009.

3. The applicant include on the approved final site plan a future vehicle and pedestrian cross-access between this site and the J&L property to the east, a minimum of 24 feet wide, as shown on the redlines, *subject to a written easement agreement*. (Phrase in italics added by Council).
4. Any other redline corrections be made.
5. Since the buildings will be constructed in phases, the applicant shall submit building elevations for each building for Commission and Council review prior to receiving a building permit.

Discussion followed and there was concern about the pedestrian cross-access as stipulated in Item No. 3. Councilwoman Holbrook made a motion to grant final site plan approval, as recommended, subject to amending Item No. 3 to include the words, *subject to a written easement agreement*. (See above in italics). Councilman Knight seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Myers and Tolman voted “aye”.

#### **CONTRACT AMENDMENT WITH UTAH STATE COURTS** **RECOMMENDED**

Mr. Hardy reviewed that when the Police and Second District Court building was constructed, the City bonded the courts portion for a 20-year term, based on the condition that the court would pay the City back via annual lease payments. This funding has come through appropriations by the State Legislature. In an attempt to meet budget constraints this year, the State has considered closing this court and combining its function with the court in Farmington.

Inasmuch as keeping the court in Bountiful provides a service to our citizens and provides for an efficient relationship between the City and the court, it is the staff recommendation that the City take over the lease payments for the remainder of this year and for the next two years, and that these three payments be added to the end of the lease, extending it through June 30, 2019. He referred to Exhibit A in the contract which defined details of the transaction. The contract also includes a provision for the courts to extend or renew the lease upon termination.

Discussion followed regarding the operating and maintenance costs associated with this facility and Mr. Hardy noted that the court will continue to pay their pro-rated basis of these costs (the City pays 52 percent and the court pays 48 percent). Councilman Knight noted that the amendment explained by Mr. Hardy seems to be an excellent compromise and he expressed appreciation to him (Mr. Hardy) and the staff for finding this solution. He then made a motion to approve Amendment No. 1 to Contract 97-1397 which extends the lease agreement with the Second District Court. Councilman Tolman seconded the motion and voting was unanimous. Councilpersons Holbrook, Knight, Myers and Tolman voted “aye”.

#### **COUNCIL COMMITTEE REPORTS** - None

The meeting was officially adjourned by the Mayor Pro-tem at 7:29 p.m.

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R. FRED MOSS, Mayor Pro Tempore

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KIM J. COLEMAN, City Recorder

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